



Patrick W. Turner  
General Attorney-South Carolina  
Legal Department

AT&T South Carolina  
1600 Williams Street  
Suite 5200  
Columbia, SC 29201

T: 803.401-2900  
F: 803.254.1731  
pt1285@att.com  
www.att.com

November 13, 2012

The Honorable Jocelyn Boyd  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Re: Complaint and Petition for Relief of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Inc. d/b/a High Tech Communications, Dialtone & More, Inc., Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC, OneTone Telecom, Inc., dPi Teleconnect, LLC and Image Access, Inc., d/b/a New Phone  
Docket No. 2010-14-C, Docket No. 2010-15-C, Docket No. 2010-16-C,  
Docket No. 2010-17-C, Docket No. 2010-18-C, & Docket No. 2010-19-C

Dear Ms. Boyd:

Enclosed for filing are Motions to Dismiss Proceedings and Vacate Directive in the above-referenced matters.

By copy of this letter, I am serving all parties of record with a copy of this pleading as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive, flowing style.

Patrick W. Turner

PWT/nml  
Attachment  
cc: All Parties of Record  
1049216

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In Re: BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. Affordable Phone Services, Incorporated d/b/a  
High Tech Communications  
Docket No. 2010-14-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. Dialtone & More Incorporated  
Docket No. 2010-15-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a  
Freedom Communications USA, LLC  
Docket No. 2010-16-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. OneTone Telecom, Incorporated  
Docket No. 2010-17-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. dPi Teleconnect, LLC  
Docket No. 2010-18-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone  
Docket No. 2010-19-C

**MOTIONS TO DISMISS PROCEEDINGS  
AND VACATE DIRECTIVE**

BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina  
("AT&T South Carolina"), Tennessee Telephone Service, Inc., d/b/a Freedom Communications  
USA LLC ("Freedom"), and OneTone Telecom, Incorporated ("OneTone") respectfully submit  
the following Motions.

AT&T South Carolina and Freedom jointly move that, in light of Freedom's bankruptcy filing,<sup>1</sup> all claims, demands, counter-claims, and any other matters the Parties have asserted against one another in the above-referenced dockets be dismissed without prejudice to the respective rights of AT&T South Carolina and Freedom to assert any such claims, demands, counter-claims, and any other matters against one another or against third parties in the Bankruptcy Court or other appropriate judicial forum. OneTone does not oppose this joint Motion.

AT&T South Carolina and OneTone jointly move that: (a) all claims, demands, counter-claims, and any other matters AT&T South Carolina and OneTone have asserted against one another in the above-referenced dockets be dismissed with prejudice on the grounds that AT&T South Carolina and OneTone have amicably resolved their disputes; and (b) the Commission vacate as moot and of no precedential value its Directive dated November 9, 2011 in the above-referenced matters. Vacating the Directive dated November 9, 2011 is integral to the resolution of the dispute. Freedom does not oppose this joint Motion.

The South Carolina Office of Regulatory Staff does not oppose these Motions provided that the Directive dated November 9, 2011 issued in the above-referenced dockets is vacated as moot and of no precedential value.

Attachment A is a Proposed Order for the Commission's consideration.

---

<sup>1</sup> On August 24, 2010, Freedom filed a Notice of Bankruptcy in this Docket. *Tennessee Telephone Service, LLC*, Debtor, US Bankruptcy Court, Middle District of Tennessee (the "Bankruptcy Court"), Docket No. 3:10-bk-02852, filed August 4, 2010.

BELLSOUTH TELECOMMUNICATIONS, LLC  
D/B/A AT&T SOUTHEAST D/B/A AT&T  
SOUTH CAROLINA

By: Patrick W. Turner  
Patrick W. Turner  
General Attorney – AT&T South Carolina  
1600 Williams Street  
Suite 5200  
Columbia, South Carolina 29201  
(803) 401-2900  
[pt1285@att.com](mailto:pt1285@att.com)

TENNESSEE TELEPHONE SERVICE, LLC  
D/B/A FREEDOM COMMUNICATIONS USA,  
LLC AND  
ONETONE TELECOM, INC.

By: John J. Pringle, Jr. by part w/ permission  
John J. Pringle, Jr.  
Ellis, Lawhorne & Sims, P.A.  
P.O. Box 2285  
Columbia, South Carolina 29202  
(803) 343-1270  
[jpringle@ellislawhorne.com](mailto:jpringle@ellislawhorne.com)

OFFICE OF REGULATORY STAFF

By: Nanette S. Edwards by part w/ permission  
Nanette S. Edwards  
Counsel  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
[nsedwar@regstaff.sc.gov](mailto:nsedwar@regstaff.sc.gov)

# **ATTACHMENT A**

**ATTACHMENT A TO MOTIONS TO DISMISS AND VACATE**  
**Docket Nos. 2010-14-C to 2010-19-C**

**BEFORE THE**  
**PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

In Re:           BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
                  AT&T South Carolina v. Affordable Phone Services, Incorporated d/b/a  
                  High Tech Communications  
                  Docket No. 2010-14-C

                  BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
                  AT&T South Carolina v. Dialtone & More Incorporated  
                  Docket No. 2010-15-C

                  BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
                  AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a  
                  Freedom Communications USA, LLC  
                  Docket No. 2010-16-C

                  BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
                  AT&T South Carolina v. OneTone Telecom, Incorporated  
                  Docket No. 2010-17-C

                  BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
                  AT&T South Carolina v. dPi Teleconnect, LLC  
                  Docket No. 2010-18-C

                  BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
                  AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone  
                  Docket No. 2010-19-C

**PROPOSED ORDER OF DISMISSAL AND VACATUR**

Based on the Motions to Dismiss Proceedings and Vacate Directive filed by BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina (“AT&T South Carolina”), Tennessee Telephone Service, Inc., d/b/a Freedom Communications USA LLC (“Freedom”), and OneTone Telecom, Incorporated (“OneTone”),

IT IS HEREBY ORDERED that:

- (1) all claims, demands, counter-claims, and any other matters AT&T South Carolina and Freedom have asserted against one another in the above-referenced dockets are dismissed without prejudice to the parties’ respective rights to assert any such

claims against one another or against third parties in the Bankruptcy Court or other appropriate judicial forum;

- (2) all claims, demands, counter-claims, and any other matters AT&T South Carolina and OneTone have asserted against one another in the above-referenced dockets are dismissed with prejudice on the grounds that the Parties have amicably resolved their disputes;
- (3) the Commission's Directive dated November 9, 2011 in Docket Nos. 2010-14-C through 2010-19-C is vacated as moot and of no precedential value;
- (4) Docket No. 2010-16-C is closed; and
- (5) Docket No. 2010-17-C is closed.

BY ORDER OF THE COMMISSION:

---

David A. Wright, Chairman

ATTEST:

---

Randy Mitchell, Vice Chairman  
(SEAL)

1049314

STATE OF SOUTH CAROLINA                    )  
  )     CERTIFICATE OF SERVICE  
COUNTY OF RICHLAND                    )

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, LLC d/b/a AT&T South Carolina (“AT&T”) and that she has caused Motions to Dismiss Proceedings and Vacate Directive in Docket Nos. 2010-14-C, 2010-15-C, 2010-16-C, 2010-17-C, 2010-18-C and 2010-19-C to be served upon the following on November 13, 2012:

Mr. Thomas Biddix  
Dialtone & More, Inc.  
Post Office Box 1358  
Melbourne, FL 32902  
**(Certified Mail)**

Mr. Thomas Biddix  
Dialtone & More, Inc.  
100 North Harbor City Blvd.  
Melbourne, FL 32935  
**(Certified Mail)**

Registered Agent for Dialtone & More, Inc.  
National Registered Agents, Inc.  
Suite 103  
2 Office Park Court  
Columbia, South Carolina 29223  
**(Certified Mail)**



John J. Pringle, Jr., Esquire  
Ellis, Lawhorne & Sims, P.A.  
1501 Main Street  
5<sup>th</sup> Floor  
Columbia, South Carolina 29202  
(Affordable Phone Services, Inc. d/b/a High Tech)  
(Dialtone & More, Inc.)  
(Tennessee Telephone Service, LLC d/b/a Freedom  
Communications)  
(OneTone Telecom, Inc.)  
(dPi Teleconnect, L.L.C.)  
(Image Access, Inc. d/b/a NewPhone)  
**(Electronic Mail)**

Christopher Malish, Esquire  
Malish & Cowan, P.L.L.C.  
1403 West Sixth Street  
Austin, Texas 78703  
(dPi Teleconnect, LLC)  
**(Electronic Mail)**

Henry M. Walker, Esquire  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, Tennessee 37203  
(OneTone Telecom, Inc.)  
(Tennessee Telephone Service, LLC d/b/a Freedom  
Communications)  
(DialTone & More, Inc.)  
**(Electronic Mail)**

Barbara Miller  
Kelley Drye & Warren  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, D.C. 20007  
(Affordable Phone Services, Inc., d/b/a High Tech  
Communications)  
**(Electronic Mail)**

John J. Heitman  
Kelley Drye & Warren  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, D.C. 20007  
(Affordable Phone Services, Inc., d/b/a High Tech  
Communications)  
**(Electronic Mail)**

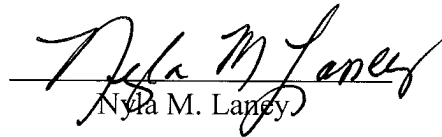
Paul F. Guarisco  
W. Bradley Kline  
PHELPS DUNBAR LLP  
II City Plaza, 400 Convention Street, Suite 1100  
Post Office Box 4412  
Baton Rouge, Louisiana 70821  
(Image Access, Inc. d/b/a NewPhone)  
**(Electronic Mail)**

C. Lessie Hammonds, Esquire  
Counsel  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
**(Electronic Mail)**

F. David Butler, Esquire  
Senior Counsel  
S. C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(Electronic Mail)**

Joseph Melchers  
General Counsel  
S.C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(Electronic Mail)**

Jocelyn G. Boyd, Esquire  
Chief Clerk  
S. C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(Electronic Mail)**



Nyla M. Laney

1050038